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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.  |
|---|-------------|----------------------|---------------------|-------------------|
| 10/014,397  | 12/14/2001  | Atsushi Mizutome     | 35.C16020           | 9751              |
| 5514  | 7590        | 02/25/2005           | EXAMINER            |                   |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      |                     | DESIR, JEAN WICEL |
| ART UNIT  |             | PAPER NUMBER         |                     |                   |
| 2614  |             |                      |                     |                   |

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/014,397             | MIZUTOME ET AL.     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jean W. Désir          | 2614                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 September 2004, Amendment.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10,18,19,30,31,39,40 and 44-64 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10,18,19,39 and 40 is/are allowed.
- 6) Claim(s) 30 and 44-64 is/are rejected.
- 7) Claim(s) 31 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 44-64, 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Yui (US 6,493,008).

The applied reference has a common Assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

### **Claim 44:**

Yui discloses:

A data processing apparatus (Fig. 1) comprising:

an input portion (Fig. 1 items 1a, 1b, 1c, 23, INTERNET) for inputting data, wherein the data input by said input portion includes image data obtained by receiving a broadcast signal (Fig. 1 item 1a, col. 6 lines 16-45); and

a control portion (Fig. 1 items 10, 18, 15, 16) for outputting a signal for causing an image represented by the image data to be displayed at a position determined by using attribute information (Fig. 1 items 17, 24, 10, 14, col. 7 line 49 to col. 8 line 51) of the data input by said input portion.

**Claim 45:**

Yui discloses:

A data processing apparatus (Fig. 1) comprising:

an input portion (Fig. 1 items 1a, 1b, 1c, 23, INTERNET) for inputting data, wherein the data input by said input portion includes image data obtained by receiving a broadcast signal (Fig. 1 item 1a, col. 6 lines 16-45); and

a control portion (Fig. 1 items 10, 18, 15, 16) for outputting a signal for causing an image represented by the image data to be displayed with a size (Fig. 5) determined by using attribute information (Fig. 1 items 17, 24, 10, 14, col. 7 line 49 to col. 8 line 65) of the data input by said input portion.

**Claim 46:**

Yui discloses:

A data processing apparatus (Fig. 1) comprising:

an input portion (Fig. 1 items 1a, 1b, 1c, 23, INTERNET) for inputting data; and

a control portion (Fig. 1 items 10, 18, 15, 16) for outputting a signal for causing an image represented by the image data input by said input portion, to be displayed in a display state (Fig. 5) determined by using information (Fig. 1 items 17, 24, 10, 14, col. 7 line 49 to col. 8 line 65) indicating at least one of media, genre and title of the data input by said input portion and an application to be used for displaying.

**Claim 47:**

Yui discloses:

A data processing apparatus (Fig. 1) comprising:

an input portion (Fig. 1 items 1a, 1b, 1c, 23, INTERNET) for inputting a video signal for displaying a program (col. 8 lines 48-51); and

a control portion (Fig. 1 items 10, 18, 15, 16) for outputting a signal for causing an image of the program to be displayed in a display state (Fig. 5) determined by using information (Fig. 1 items 17, 24, 10, 14, col. 7 line 49 to col. 8 line 65) indicating at least one of media, genre and title of the program, whole length in time of the program, time when the program is displayed, time which has elapsed from start of displaying the program, date when the program is displayed, and day of the week when the program is displayed (are disclosed also, because of the EPG, Electronic Program Guide, capability of the Yui's disclosure, see col. 8 lines 46-51).

**Claims 48, 49** are rejected for the same reasons as claim 47.

Claim 50 is disclosed, see Fig. 1 item 16.

**Claim 51** is rejected for the same reasons as claim 45.

Claim 52 is disclosed, see Fig. 1 item 16.

**Claim 53** is rejected for the same reasons as claim 46.

Claim 54 is inherent to Yui's disclosure.

Claim 55 is disclosed, see Fig. 1 items 1a, 1b, 1c, 23, INTERNET.

Claim 56 is disclosed, see Fig. 1 item 16.

**Claim 57** is rejected for the same reasons as claim 47.

Claim 58 is disclosed, see Fig. 1 item 1a, 2, col. 6 line 43.

Claim 59 is disclosed, see Fig. 1 items 1a, 1b, 1c, 23, INTERNET.

Claim 60 is disclosed, see Fig. 1 item 16.

**Claim 61** is rejected for the same reasons as claim 47.

Claim 62 is disclosed, see Fig. 1 item 16.

**Claim 63:**

Yui discloses:

A display apparatus (Fig. 1) comprising:

A receiving portion for receiving data (Fig. 1 items 1a, 1b, 1c, 23, INTERNET);  
a control portion (Fig. 1 items 10, 18, 15, 16) for outputting a signal for causing  
an image represented by the data received by said receiving portion, to be displayed in  
a display state (Fig. 5) determined by using information indicating attribute of the  
received data and information as to usage history of said display apparatus (col. 7 line  
49 to col. 8 line 51, col. 9 lines 24-64); and  
a display for displaying the image (Fig. 1 item 16).

**Claim 64:**

Yui discloses:

A display apparatus (Fig. 1) comprising:

a control program (Fig. 1 items 10, 17, 24, 13, 16) for determining one of an input source of an image, a display position of an image to be displayed (Fig. 1 item 16, Fig. 5), and a size of an image to be displayed (col. 9 lines 24-64, col. 10 lines 30-58), by using time information; and

a display for displaying the image (Fig. 1 item 16).

**Claim 30:**

Yui discloses:

A data processing method (Fig. 1), comprising:

An input step (Fig. 1 items 1a, 1b, 1c, 23, INTERNET) for entering data;  
a display control step (Fig. 1 items 10, 18, 15, 16) for controlling displaying means to display an image regarding input data entered in a predetermined display state;

and storing step (Fig. 1 items 17, 24, 10, 14) for storing attribute information of the input data and information regarding the display state in correspondence with each other as a display pattern in storing means;

wherein, in said display control step, control is performed to select a display pattern according to the attribute information of the input data entered by the input means among display patterns stored in the storing means, and display the image regarding the input data in a display state according to the selected display pattern (Fig. 1 items 10, 14, 13, col. 7 lines 49-63).

***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of reinterpretation of the reference necessitated by the new claims presented in the amendment.

***Allowable Subject Matter***

4. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 10, 18, 19, 39, 40 are allowed.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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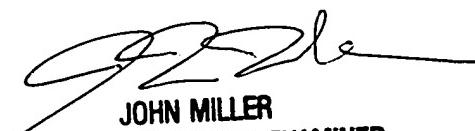
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
2-21-05



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